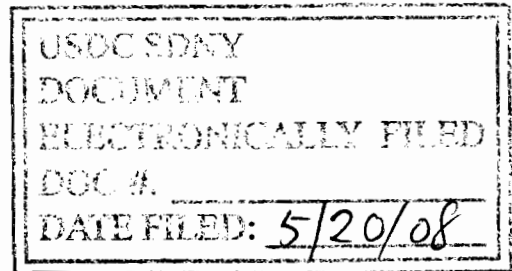


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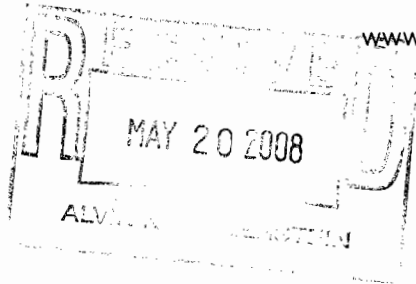
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May 19, 2008

By Hand

The Honorable Alvin K. Hellerstein
United States District Judge
U. S. Courthouse, Room 1050
500 Pearl Street
New York, NY 10007

*Soarand
5/20/08*

Re: McDermott Will & Emery LLP, appellant and cross-appellee,
vs. Saint Vincents Medical Centers of New York, et al.,
appellees and cross-appellants
Civ. No. 1:07-cv-09818-AKH

Dear Judge Hellerstein:

We refer to the brief we filed on behalf of appellant and cross-appellee McDermott Will & Emery LLP ("McDermott") on the above-referenced appeals this past Friday, May 16, 2008. Because we only discovered after writing the brief a recently enacted April 11, 2008 amendment to Local Civil Rule 7.1 imposing a 25-page limit on bankruptcy appeal briefs, we request a waiver of that limit for the reasons stated below.

1. With Court Approval, The Parties Have Already Streamlined The Briefing Process.

McDermott filed its notice of appeal on October 1, 2007, prior to the effective date of the amendment to Local Rule 7.1. Because of settlement negotiations, the parties stipulated most recently on March 5, 2008, with Court approval, to extend the briefing schedule to May 16 and June 20, 2008. A copy of that stipulation is enclosed. Essentially, the stipulation provides for simultaneous briefing; eliminates at least two briefs which the parties could have filed on these two appeals; and expedites the appeal process. Instead of three rounds of briefs (opening, answering and reply), there will only be two. Moreover, McDermott's appeal and cross-appeals by the Debtors and the Creditors' Committee are effectively consolidated.

2. Federal Bankruptcy Rule 8010(C) Imposes A 50-Page Limit On Opening Briefs.

Rule 8010(c) of the Federal Rules of Bankruptcy Procedure imposes a 50-page limit on opening appeal briefs. When drafting our brief, we also relied on the 2008 edition of McKinney's Rules of New York Courts, Federal, published in December 2007, which contained the prior version of Local Civil Rule 7 (no page limit) (copy enclosed). This Court's individual rules, effective October 4, 2007, further contain no page limitation on bankruptcy appeal briefs. The comment to the new rule justifies an amendment "to conform...to the page limits...in the individual practices of many district judges," but "in no way prevents a judge from allowing briefs of any size in appeals assigned to that judge."


The Honorable Alvin K. Hellerstein
May 19, 2008
Page 2

3. No Party Will Be Prejudiced By McDermott's Filing A 49-Page Opening Brief,
Consistent With The Federal Bankruptcy Rules.

The United States Trustee, one of the three appellees on the McDermott appeal, has yet to serve and file its brief in support of the lower court's 33-page decision. According to the May 16 brief of the cross-appellants, the "US Trustee is filing a separate brief." (page 1, n. 2) The 49-page McDermott brief will thus be opposing two briefs filed by its three opponents.

Ample reason exists for permitting McDermott to brief its argument on these two appeals within the page limits imposed by Federal Bankruptcy Rule 8010(c) (50 pages for opening brief, and 25 pages for reply brief). No party, we submit, will be prejudiced. Accordingly, for the reasons set forth herein, we request that the Court waive the page limitation imposed by amended Local Rule 7.1(b) and grant McDermott's request to file its 49-page brief.

Respectfully,



Michael L. Cook

Enclosures

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